GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1023
ANSWERED ON:07.03.2002
CASES OF LITIGATION
SHEESH RAM SINGH RAVI

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

to the reply given to Unstarred Question No.5756 on August 30, 2001 regarding cases of litigation and state:

(a) whether the information has since been collected;

(b) if so, the details thereof and the action taken thereon;

(c) whether the Supreme Court had directed the Government, PSUs and Banks etc. long ago to set up in-house dispute settlement forums;

(d) whether after independence of the country enactments of law have mushroomed and there has been multi-fold increase in the litigation;

(e) if so, whether there is any proposal to minimize the enactment of laws and to amalgamate the existing ones into each other wherever possible;

(f) whether there is also no proportion in the punishment awarded departmentally to act of commission of a misconduct; and

(g) if so, there is any proposal to lay down principles/guidelines in this behalf to be followed scrupulously by all and sundry ?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a)&(b) The information received from some of the Departments is annexed at Annexure.

(c) In pursuance of the Order of the Hon`ble Supreme Court in a Civil Appeal Case between the ONGC and the Collector of Centra Excise, Bombay, in December 1991, the Government set up a Committee consisting of Cabinet Secretary; Secretary, Department of Industrial Development; Secretary, Department of Public Enterprises; Secretary, Department of Legal Affairs and Secretary of the concerned Ministries/Departments to ensure that no litigation relating to disputes between one Government Department and another and one Government Department and a Public Enterprise and between Public Enterprises themselves reaches the Court or a Tribunal without the matter having been first examined by the Committee. Apart from this, there is a Permanent Machinery of Arbitration in the Department of Public Enterprises to settle commercial disputes between Public Sector Enterprise inter se as well as between a Public Sector Enterprise and a Government Department.

(d) The total number of Principal Acts enacted since 1947 are about 942 (nine hundred and forty-two), out of which, 201 Acts have been either repealed or lapsed during the period from 1947 to 2002. The laws have been enacted based on need and requirement. There has not been any unnecessary legislation. The litigation has increased as a result of increased awareness among the masses.

(e) The Commission on Review of Administrative Laws and the Law Commission have recommended repeal of certain laws.

(f)&(g) The information is being collected and will be laid on the Table of the House.

Annexure to Lok Sabha USQ No.1023 for 07.03.2002

(A) LIST OF DEPARTMENTS WHICH HAVE FURNSHED `NIL` INFORMATION OR HAVE STATED THAT THE LITIGATION HAS NOT INCREASED.

- Department of Administrative Reforms and Public Grievances
- Ministry of Defence (including Department of Defence, Defence Production & Supply & Defence Research and Development)
- Defence Research and Development Organization
- Department of Culture
- Department of Justice
- Legislative Department
- Department of Legal Affairs
- Department of Company Affairs
- Department of Biotechnology

- Department of Scientific and Industrial Research
- Department of Science and Technology
- Department of Chemicals and Petrochemicals
- Planning Commission
- Department of Commerce (Supply Division)
- Ministry of Small Scale Industry
- Ministry of Agro Rural Industries
- Ministry of Information Technology
- Department of Industrial Policy and Promotion
- Ministry of Power
- Department of Atomic Energy
- Ministry of Water Resources
- Department of Expenditure
- Department of Telecommunication
- Department of Agriculture and Co-operation
- Department of Food and Public Distribution

(B) LIST OF DEPARTMENTS WHICH HAVE ADMITTED THAT THE LITIGATION HAS INCREASED.

Department of Official Language :
Department of Space : The increase in the number of cases of litigation is only marginal.

Ministry of Statistics and Programme Implementation : This Ministry is following the prescribed rules and regulations. Even then, some Government employees feel that they have been denied justice and hence there are a few cases of litigation.